



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

JUN 11 2009

The Honorable Barbara Boxer
Chairman, Committee on Environment and Public Works
United States Senate
Washington D.C. 20510

OFFICE OF CONGRESSIONAL
AND INTERGOVERNMENTAL RELATIONS

Dear Madam Chairman:

This is in response to your request for a list of the 44 "high hazard" units identified through EPA's ongoing coal combustion residual facility assessment efforts. EPA appreciates your oversight interest in this important matter, and we are committed to accommodating the Committee's requests for information to the extent possible and consistent with our Constitutional and statutory authorities.

Safety information about dams is maintained by the National Dam Safety Review Board, and although the Board regularly discloses certain categories of information to the public, the Board views the hazard ranking information as inappropriate for uncontrolled or unrestricted release. I am also enclosing for your information a copy of the June 4, 2009 letter from the U.S. Army Corps of Engineers regarding its position concerning this dam safety related information.

After consultation with the Army Corps and the Department of Homeland Security, EPA has determined that notwithstanding the Executive Branch confidentiality interest in the hazard ranking information, this list may be disclosed to Congress pursuant to this oversight request. Please note that EPA has copied this list on paper with a legend that reads "Internal Executive Branch Document" and the disclaimer that EPA has authorized this limited disclosure to Congress for oversight purposes. Through this accommodation, EPA does not intend to waive any confidentiality interests, litigation privileges, or Freedom of Information Act exemptions that may apply to this document or similar documents in other circumstances. EPA respectfully requests that the Committee and its staff and other Members of Congress protect this document and the information contained in it from further dissemination. Specifically, should the Committee or other Members determine their legislative mandate requires further distribution of this information outside Congress, we respectfully request that such need first be discussed with the Agency to help ensure the Executive Branch's confidentiality interests are protected to the fullest extent possible.

Sincerely,

A handwritten signature in black ink, appearing to read "Arvin R. Ganesan", is written over the word "Sincerely,".

Arvin R. Ganesan
Deputy Associate Administrator
for Congressional Affairs

Enclosure